IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12-09-2006

CORAM

THE HON'BLE MR.JUSTICE P.JYOTHIMANI

W.P.No.29281 of 2006

V.Sakunthala .. Petitioner

Vs

1. The Director of Rural Development
   Department
   Chennai-600 015.

2. The District Collector
   Collectorate
   Villupuram.

3. The commissioner
   Kallakurichi Panchayat Union
   Kallakurichi
   Villupuram District. .. Respondents

Petition filed under Article 226 of Constitution of India for the issuance of Writ of mandamus directing the respondents to implement the order in O.A.No.3725 of 2002 dated 24.1.2003 by the Tamil Nadu Administrative Tribunal, Chennai.

For Petitioner : Mr.K.Gini Liew Manuel

For Respondents : Mr.A.Edwin Prabakar
Government Advocate

O R D E R

The petitioner was appointed as a Conductress, in the School run by the third respondent on 02.02.73 and she was retired from service on 28.02.99. However, her service was not regularised. In view of the same, she has filed O.A.No.3725/2002 before the Tamil Nadu Administrative Tribunal. The Tribunal, by order dated 24.01.2003, while allowing the O.A. has directed the respondents to settle all amounts due to the petitioner including the arrears amount on account of the revision and regularisation done by the Government and disburse the same at the earliest point of time.

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2. The Tribunal has also categorically held that the claim of the applicant has been admitted by the respondents and the respondents have only stated that after the pay has been fixed and after the order made in 2000, she has been paid the salary subsequently. However it is admitted that no arrears have been paid.

3. It was in those circumstances, the Tribunal after considering the entire facts and also specific submission made on behalf of the respondents has issued the above direction.

4. In spite of the direction given by the Tribunal, which was on 24.01.2003, the respondents have not implemented the same which resulted in filing of the present writ petition for a direction against the respondents to implement the order in O.A.No.3725/2002 dated 24.01.2003 passed by the Tamil Nadu Administrative Tribunal, Chennai.

5. When the matter came up for admission, this Court has directed the learned Government Advocate to take notice and report the same.

6. Today when the matter is posted for orders, Mr.A.Edwin Prabakar learned Government Advocate, who has taken notice on behalf of the respondents would submit that, part of the amount has been paid to the petitioner and the remaining amount is yet to be paid.

7. I have heard the learned counsel for the petitioner as well as the learned Government Advocate.

8. A reference to the order of the Tribunal discloses that the Tribunal has not only passed orders on merits but also on a specific admission made on behalf of the respondents and it was in those circumstances, a direction was issued by the Tribunal. There is absolutely no reason on the part of the respondent in not obeying the order of the Tribunal.

9. In view of the same, the third respondent is directed to implement the order of the Tamil Nadu Administration Tribunal dated 24.01.03 in O.A.No.3725/ 2002 within a period of 6 weeks from the date of receipt of a copy of this order. Further, making it clear within the time stipulated, the entire amount due shall be paid to the petitioner if there are no other legal impediment.

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10. In the result, the writ petition is disposed of with the above direction. No costs.

jikr

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Director of Rural Development
   Department
   Chennai-600 015.

2. The District Collector
   Collectorate
   Villupuram.

3. The commissioner
   Kallakurichi Panchayat Union
   Kallakurichi
   Villupuram District.

1 cc to the Government Pleader, High Court, Madras-104, SR.42376

tjl (co)

dv/19.9.06

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